

extend the due date of the response to the Office Action dated December 17, 2002, for the above-identified patent application from March 17, 2003, through and including June 17, 2003. In accordance with 37 C.F.R. 1.17(a)(3), authorization to charge a deposit account in the amount of \$930 to cover this extension of time request also is submitted herewith.

Applicants thank the Examiner for the courtesies extended during a telephonic interview on June 16, 2003. During the interview Claims 1 and 8 were discussed and no decision was reached regarding these Claims. Applicants have amended Claim 1 in accordance with those discussions to place the application in condition for allowance.

The rejection of Claims 1-7 under 35 U.S.C. § 103(a) as being unpatentable over Bergman (5,686,896) in view of McClure (5,923,731) and further in view of Walsh et al. (6,144,848) is respectfully traversed.

Bergman describes a security system that reports the condition of a battery used in a sensor. When the battery is detected to be in an unacceptable condition, a passive report of such condition is first generated. An active report of such condition is inhibited for a period of time following the first detection of condition. If the battery is not replaced with an acceptable one during this period, the active report is then generated. In addition, Bergman describes a system in which the phone interface device 58 is part of system controller 14 and is hardwired to RF receiver 52 and microprocessor 54. System controller 14 receives messages transmitted via modulated RF from a wireless sensor 16, such as smoke sensor 18 and/or from hardwired sensors 16 which are physically and electrically connected to system controller 14. System controller 14 also provides the user with a visual display 37 of certain information, and the capability of arming/disarming or otherwise controlling the system 12 at an input device located at system controller 14.

McClure describes a telephone monitoring and alarm apparatus including a telephone line sensing means which determines whether an incoming telephone line is cut or busy and alerts a user as to the status of the telephone line.

Walsh et al describes a telecommunication device for secure, encrypted communication with a CPU to obtain confidential business information and place credit orders. Walsh et al does not describe a security system, nor a phone-interface device configured to receive wireless signals from a control panel regarding a sensor event.

Claim 1 recites a phone-interface device comprising “a receiver configured to receive a wireless signal from a control panel that receives signals from at least two sensors and that determines whether to send an alarm report to said phone interface device, wherein the wireless signal from the control panel encodes information regarding a sensor event; a phone port configured to connect to a telephone line and to receive configuration data from the monitoring station; and a power supply comprising a telephone line.”

None of Bergman, McClure, or Walsh et al, alone or together, teach or describe the invention recited in Claim 1. Specifically, none of Bergman, McClure or Walsh et al describe a phone-interface device that includes a receiver configured to receive a wireless signal from a control panel that receives signals from at least two sensors and determines whether to send an alarm report to the phone interface device, wherein the wireless signal from the control panel encodes information regarding a sensor event. Rather, Bergman describes a security system that utilizes an RF receiver in the control panel to receive wireless signals from wireless sensors. The RF receiver of Bergman is part of the control panel and cannot, and does not, receive wireless signals from the control panel. McClure describes a phone port to connect the phone-interface to a telephone line. McClure does not describe nor suggest a phone-interface device receiver configured to receive wireless signals from a control panel that receives signals from at least two sensors and that determines whether to send an alarm report to the phone interface device, wherein the wireless signal from the control panel encodes information regarding a sensor event. Further, as stated above, Walsh et al does not describe a security system, nor a phone-interface device configured to receive wireless signals from a control panel regarding a sensor event.

In addition, Applicants respectfully submit that the Examiner’s Section 103 rejection of presently pending claims 1-7 is not a proper rejection. Obviousness cannot be established by merely suggesting that it would have been obvious to one of ordinary skill in the art to modify Bergman in view of McClure and further in view of Walsh et al.

More specifically, as is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. The required teaching, suggestion and incentive supporting the Examiner’s combination is absent here. None of Bergman, McClure or Walsh et al teach or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicant respectfully submits that it would

not be obvious to one skilled in the art to combine Bergman, McClure and Walsh et al. because there is no motivation to combine these references suggested in the art. The Examiner has not pointed to any prior art that teaches or suggests combining the disclosures.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown. Specifically, the Examiner has not pointed to any prior art that teaches or suggests a reasonable expectation of success or motivation in combining the references.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is apparently based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention.

Since there is no teaching, suggestion, or motivation in the cited references for the claimed combination recited in Claims 1-7, the Section 103 rejection of Claims 1-7 appears to be based on impermissible hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible.

Accordingly, for the reasons set forth above, Claim 1 is submitted to be patentable over Bergman in view of McClure and further in view of Walsh et al.

Claims 2-7 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2-7 are considered in combination with the recitations of Claim 1,

Applicants submit that dependent Claims 2-7 likewise are patentable over Bergman in view of McClure and further in view of Walsh et al.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1-7 be withdrawn.

The rejection of Claims 8-16, 18-19, and 27-32 under 35 U.S.C. § 103(a) as being unpatentable over McClure (5,923,731) in view of Walsh et al. (6,144,848) is respectfully traversed.

McClure and Walsh et al are described above. Claim 8 recites a phone-interface device, comprising “a phone port configured to connect to a telephone line and to receive configuration data; a transmitter configured to send the configuration data via a wireless signal to control a control panel; and a power supply comprising a telephone line.”

McClure in view of Walsh et al do not teach nor suggest a phone interface device that includes a transmitter configured to send configuration data via a wireless signal to control a control panel, in addition to the other recitations recited in Claim 1. Rather, McClure describes a telephone monitoring and alarm device that includes a main control unit 12 including a DTMF transceiver physically connected to both the data access arrangement components 23 and the microprocessor 22. Additionally, McClure appears to describe a power supply means that receives power from an AC outlet. Accordingly, McClure does not teach nor suggest a transmitter configured to send configuration data via a wireless signal to control a control panel. In addition, Walsh et al does not describe a security system, nor a phone-interface device that includes a transmitter configured to send configuration data via a wireless signal to control a control panel. For the reasons set forth above, Claim 8 is submitted to be patentable over McClure in view of Walsh et al.

Claims 9-16, 18-19, and 30-32 depend, directly or indirectly, from independent Claim 8. When the recitations of Claims 9-16, 18-19, and 30-32 are considered in combination with the recitations of Claim 8, Applicants submit that dependent Claims 9-16, 18-19, and 30-32 likewise are patentable over McClure in view of Walsh et al.

Claims 27-29 depend from Claim 1. It is respectfully submitted that Claim 1 is patentable over McClure in view of Walsh for the reasons set forth above with respect to the rejection of Claim 1 over Bergman in view of McClure and further in view of Walsh. When

the recitations of Claims 27-29 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 27-29 likewise are patentable over McClure in view of Walsh et al.

In addition, Applicants respectfully submits that the Examiner's Section 103 rejection of presently pending claims 8-16, 18-19, and 27-32 is not a proper rejection. Obviousness cannot be established by merely suggesting that it would have been obvious to one of ordinary skill in the art to modify McClure in view of Walsh et al.

More specifically, as is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. The required teaching, suggestion and incentive supporting the Examiner's combination is absent here. Neither McClure or Walsh et al teach or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicant respectfully submits that it would not be obvious to one skilled in the art to combine McClure and Walsh et al. because there is no motivation to combine these references suggested in the art. The Examiner has not pointed to any prior art that teaches or suggests combining the disclosures.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown. Specifically, the Examiner has not pointed to any prior art that teaches or suggests a reasonable expectation of success or motivation in combining the references.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such

reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is apparently based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention.

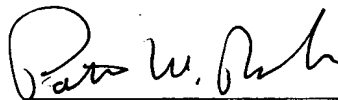
Since there is no teaching, suggestion, or motivation in the cited references for the claimed combination recited in Claims 8-16, 18-19, and 27-32, the Section 103 rejection of Claims 8-16, 18-19, and 27-32 appears to be based on an impermissible hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 8-16, 18-19, and 27-32 be withdrawn.

Newly added Claims 36-37 are independent claims that recite novel aspects of the invention. None of the cited art teach or suggest the invention as recited in Claims 36-37. For the reasons set forth above, Claims 36-37 are considered to be in condition for allowance.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



Patrick W. Rasche
Registration No. 37,916
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John Todd Bergman, et al. :
Serial No.: 09/845,712 : Art Unit: 2632
Filed: May 1, 2001 : Examiner: Daniel Previl
For: WIRELESS PHONE- :
INTERFACE DEVICE :

SUBMISSION OF MARKED UP CLAIMS UNDER 37 C.F.R. 1.121(c)(1)(ii).

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Sir:

Submitted herewith are marked up Claims in accordance with 37 C.F.R.
1.121(c)(1)(ii) wherein additions are underlined and deletions are [bracketed].

1. (once amended) A phone-interface device, comprising:

a receiver configured to receive a wireless signal from a control panel that receives signals from at least two sensors and that determines whether to send an alarm report to said phone interface device, wherein the wireless signal from the control panel encodes information regarding a sensor event;

a phone port configured to connect to a telephone line and to receive configuration data from the monitoring station; and

a power supply comprising a telephone line.

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Patrick W. Rasche
Registration No. 37,916
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102
(314) 621-5070